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DEPARTMENT FOR EUR (JONES), EUR/SCE (HYLAND, FOOKS), S/GC
(FRIED), S/WCI (RICCI)

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TAGS: PGOV PREL PTER BA

SUBJECT: BOSNIA AGREES TO ACCEPT GUANTANAMO DETAINEE LAHMAR

REF: 2008 SARAJEVO 1873

Classified By: Ambassador Charles English for Reasons 1.4 (b) and (d)

¶1. (S) We received a diplomatic note from the Bosnian Foreign Ministry informing us that Bosnia has agreed to accept the transfer of former Guantanamo detainee Sabir Lahmar and deal with him in accordance with the Bosnian Law on Foreigners and Asylum. In practice, this will mean that Lahmar will be detained upon arrival in Bosnia and legal procedures will likely be undertaken to deport him to Algeria.

¶2. (S) After receiving the dipnote, the Defense Attaché, Legal Attaché and Deputy Political Counselor met on July 28 with Deputy Minister of Security Mijo Kresic. He said that he would meet the same day with Vinko Dumancic, the Director of the Border Police, Dragan Mektic, the Director of the Foreigners Affairs Service, Mirko Lujic, Director of the State Investigation and Protection Agency (SIPA), and Dragan Lukac, the head of the Criminal Investigation Division of SIPA. According to Kresic, they would be instructed to develop an operational plan for transferring Lahmar to Bosnia as soon as possible. Kresic said Lukac will be the Embassy's chief point of contact for organizing the transfer.

¶3. (S) On July 29 the Defense Attaché, Legal Attaché and Deputy Political Counselor met with Lukac and Mektic to discuss the transfer. The Defense Attaché told Lukac and Mektic we are confident the transfer of Lahmar will proceed as smoothly as the transfer of three former detainees to Bosnia last December (reftel). However, the Defense Attaché noted that Lahmar is not a citizen of Bosnia, which would mean his case would likely be handled differently by Bosnian authorities once they took custody. He added that it might be more difficult to keep the impending transfer from being publicized in the international press than was the case in the previous transfer.

¶4. (S) Lukac said that his team has already developed an operational plan for the transfer similar to that used in the transfer last December. SIPA agents will take custody of Lahmar at the Sarajevo airport and drive him to SIPA headquarters where he will be interviewed and officially identified. Unlike the previous transfer, in which the former detainees were set free after their interview at SIPA, Lahmar will be conveyed after the interview at SIPA to the Immigration Detention Center where he will be held until his status is resolved. Lukac gave us a copy of the Bosnian Government's operational plan.

¶5. (S) Because Lahmar is a non-citizen with a problematic past that included convictions on criminal charges, the Bosnian government is likely to seek to deport him to Algeria, according to Lukac. He added that Lahmar might try to frustrate deportation proceedings by applying for asylum

or appealing to the courts. Lukac said he is not particularly concerned about Lahmar's case appearing in the media before he arrives in Bosnia. He argued that public interest in Guantanamo detainees returning to Bosnia has declined, and added that SIPA and other Bosnian security agencies could deal easily with any protests that might arise. Lukac said the Bosnian's plan for Lahmar is ready, and they are prepared take custody of him at any time, though they would appreciate notification 48 hours in advance of the time when Lahmar is brought into the country.

¶6. (S) Foreigners Affairs Agency Director Dragan Mektic said that after SIPA agents brought Lahmar to the Immigration Detention Center he would be carefully watched and his movements limited until his status is resolved. Mektic noted that he had visited Algiers several months ago to discuss with Algerian officials the possibility of former Guantanamo detainees with Algerian citizenship who lived previously in Bosnia being sent to Algeria. According to Mektic, Algerian officials did not want to discuss this issue and the meeting ended badly.

¶7. (S) We told Lukac we will contact him as soon as we are informed about the operational details of USG plans for the transfer.

¶8. (S) Attached is an unofficial translation of the Bosnian diplomatic note:

The Ministry of Foreign Affairs of Bosnia and Herzegovina presents its compliments to the Embassy of the United States of America in Sarajevo and regarding the Embassy's diplomatic note no 09-00-102, dated July 15, 2009, it has the honor to inform that the Council of Ministers of Bosnia and Herzegovina at its ninety fifth session held on July 23, 2009, adopted the following conclusion:

--The request in the US note number 09-00-102, dated July 15, 2009, is granted and the transfer of Sabir Lahmar to Bosnia and Herzegovina is allowed.

--The authorities of Bosnia and Herzegovina shall resolve the status of Sabir Lahmar in accordance with the Law on Movement and Stay of Foreigners and Asylum.

The Ministry of Foreign Affairs of Bosnia and Herzegovina would like to use this opportunity to reiterate to the Embassy of the United States of America the assurances of its consideration.

ENGLISH